

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DONNA PERRY	:	CIVIL ACTION
	:	
v.	:	
	:	
H&R BLOCK EASTERN	:	
ENTERPRISES, INC.	:	NO. 04-6108

ORDER

AND NOW, this 18th day of August, 2009, whereas the Court conducted a bench trial on the defendant's damages for its breach of contract counterclaim, and upon consideration of the parties' filings with respect to the issue of damages, including the defendant's Objection and Motion to Strike (Docket No. 127), and the defendant's Motion for Attorneys' Fees (Docket No. 128), and for the reasons stated in a memorandum of law bearing today's date, IT IS HEREBY ORDERED that:

1. The defendant may not collect damages based on the damages provision contained in the plaintiff's employment agreement. Instead, the Court will award H&R Block nominal damages in the amount of one dollar (\$1.00).

2. The defendant's Objection and Motion to Strike is GRANTED in part. The Clerk shall strike from the record the three-page list of customers attached to the plaintiff's letter

dated October 28, 2008. See Letter from Donna Perry to Hon. Mary A. McLaughlin (Oct. 28, 2008), attached to Docket No. 124.

3. In view of the Court's ruling on damages, H&R Block's Motion for Attorneys' Fees is DENIED without prejudice. Within thirty days of this Order, H&R Block may submit a supplemental brief explaining whether and to what extent the plaintiff can be held accountable for its costs and attorneys' fees in view of the Court's ruling on damages. The defendant need not formally re-file its motion for attorneys' fees or reproduce the analysis contained therein; rather, it may submit a supplemental brief only on these issues. The plaintiff shall then have thirty days to file a response to the defendant's supplemental brief.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.